

FILED

06 MAY 12 AM 10:43

RICHARD R. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 KEVIN V. RYAN (CSBN 118321)  
 2 United States Attorney

3 EUMI L. CHOI (WVBN 0722)  
 4 Chief, Criminal Division

5 TIMOTHY J. LUCEY (CSBN 172332)  
 6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055  
 8 San Francisco, California 94102-3495  
 9 Telephone: (415) 436-7200  
 10 Facsimile: (415) 436-7234  
 11 E-mail: Timothy.Lucey@usdoj.gov

12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

|                              |   |                                      |
|------------------------------|---|--------------------------------------|
| 16 UNITED STATES OF AMERICA, | ) | No. CR 3 - 05 - 71011 EDL            |
| 17 Plaintiff,                | ) | <b>[PROPOSED] SPEEDY TRIAL ORDER</b> |
| 18 v.                        | ) |                                      |
| 19 SALAMEH ISSA DABAI,       | ) |                                      |
| 20 Defendant.                | ) |                                      |

---

21 WHEREAS, SALAMEH ISSA DABAI ("Dabai") is charged in a criminal complaint  
 22 with violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection  
 23 Service;

24 WHEREAS, Dabai made his initial appearance on the aforesaid criminal complaint,  
 25 before the Honorable Joseph Spero, on January 30, 2006, and was released on a bond;

26 WHEREAS, the parties previously entered into a stipulation and order waiving time  
 27 under Rule 5.1 as well as excluding time under 18 U.S.C. § 3161 through May 12, 2006, in order  
 28 to provide for effective preparation of counsel;

SPEEDY TRIAL ORDER  
 [CR 3 05 71011 EDL]

1           WHEREAS, government counsel will be out of the office on extended family medical  
2 leave through mid-June 2006;

3           WHEREAS, the government is agreeable to delaying indictment in order to provide  
4 Dabai and his attorney the opportunity to review discovery, and where, since arrest preceded  
5 indictment in this matter, it is unreasonable to expect return and filing of the indictment within  
6 the period specified in section 3161(b), and further where it is in the defendant's best interest to  
7 waive time under both Rule 5.1 to allow time for a resolution and disposition short of indictment  
8 for a further six (6) weeks, through Friday, June 30, 2006;

9           THEREFORE, the parties agree and stipulate as follows:

- 10          1. Dabai hereby again waives his right to have a preliminary hearing conducted  
11           within 20 days of his initial appearance while out of custody, pursuant to Rule  
12           5.1(c)-(d) of the Federal Rules of Criminal Procedure, taking into account the  
13           public's interest in the prompt disposition of criminal cases and for good cause  
14           shown;
- 15          2. Dabai hereby again waives his right to have all of the charges contained in the  
16           criminal complaint on which he made his initial appearance on January 30, 2006,  
17           indicted within thirty days of his initial appearance, which including prior  
18           exclusions of time, would be May 12, 2006, as required by 18 U.S.C. § 3161(b);
- 19          3. The government and Dabai hereby agree that any indictment by the government,  
20           as to charges contained in the criminal complaint, must be filed no later than  
21           June 30, 2006, pursuant to section 3161(h)(8)(B)(iii);
- 22          4. The government and Dabai hereby mutually agree that any preliminary hearing  
23           and/or arraignment be held no later than June 30, 2006;

24           The undersigned parties, by and through their counsel, hereby agree and stipulate that  
25 this waiver of time under Rule 5.1 of the Federal Rules of Criminal Procedure and section  
26 3161(b) of the Speedy Trial Act shall remain in place until June 30, 2006, because this is a case  
27 in which arrest preceded indictment, such that delay in the filing of the indictment is caused  
28 because the arrest occurred at time that is unreasonable to expect return and filing of the

SPEEDY TRIAL ORDER  
[CR 3 05 71011 EDL]

1 indictment as to all of the charges contained in the criminal complaint, within the period  
2 specified in section 3161(b), pursuant to 18 U.S.C. § 3161(h)(8)(B)(iii).

3 Moreover, in light of defense counsel's ongoing efforts to review discovery provided by  
4 the government, such that good cause has been shown to continue the date for defendant's  
5 preliminary hearing taking into account the public's interest in the prompt disposition of criminal  
6 cases, pursuant to F. R. Cr. P. Rule 5.1(d), and further, because this waiver of time will ensure  
7 effective preparation of counsel taking into account the exercise of due diligence, such that the  
8 ends of justice are served by granting this continuance outweighs the best interest of the public  
9 and the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161 (h)(8)(B)(iv).

10  
11 **IT IS SO STIPULATED.**

12  
13  
14  
15   
16 BRIAN GETZ  
for Defendant Salameh Issa Dabai

KEVIN V. RYAN  
United States Attorney

  
TIMOTHY LUCEY  
Assistant United States Attorney

17  
18 **IT IS SO ORDERED.**

19  
20 Dated: May 4, 2006

  
HON. ELIZABETH D. LAPORTE  
United States Magistrate